

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION

Hengping Xu

*(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

**-against-**

University of Missouri

*(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

**Complaint for Employment  
Discrimination**

Case No. \_\_\_\_\_  
*(to be filled in by the Clerk's Office)*

**REQUEST FOR TRIAL BY JURY**

Plaintiff requests trial by jury. ☒ Yes ☐ No

## I. The Parties to This Complaint

### A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Hengping Xu
Street Address	5000 N Burning Bush Ct
City and County	Columbia, Boone
State and Zip Code	MO 65202
Telephone Number	405 371 0583
E-mail Address	hengpingxu@yahoo.com

### B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	<del>Marc Libault</del> University of Missouri HX
Job or Title (if known)	
Street Address	Old Alumni Center, Suite 108
City and County	Columbia, Boone
State and Zip Code	MO 65211
Telephone Number	573 882 2146
E-mail Address (if known)	muhr@missouri.edu

Defendant No. 2

Name	
Job or Title (if known)	
Street Address	
City and County	

State and Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-mail Address \_\_\_\_\_  
(if known)

**C. Place of Employment**

The address at which I sought employment or was employed by the defendant(s) is:

Name	University of Missouri
Street Address	15 Jesse Hall
City and County	Columbia, Boone
State and Zip Code	MO 65211
Telephone Number	573 882 2146

**II. Cause of Action**

This action is brought for discrimination in employment pursuant to *(check all that apply)*:

☐ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

*(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*

☒ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

*(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)*

☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

*(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*

- ☐ Other federal law (*specify the federal law*):  
\_\_\_\_\_
- ☐ Missouri Human Rights Act, Missouri Revised Statute § 213.055
- ☐ Other state law (*specify, if known*):  
\_\_\_\_\_
- ☐ Relevant city or county law (*specify, if known*):  
\_\_\_\_\_

### III. Administrative Procedures

- A. Did you file a charge of discrimination against Defendant(s) with the Equal Employment Opportunity Commission or other federal agency?

☒ Yes      Date filed: 02-18-2025  
☐ No

*Attach copy of the charge to this Complaint*

- B. Have you received a Notice of Right-to-Sue Letter from the Equal Employment Opportunity Commission?

☒ Yes    ☐ No

*If yes, please attach a copy of the letter to this Complaint.*

- C. Did you file a charge of discrimination against Defendant(s) with the Missouri Commission on Human Rights?

☐ Yes      Date filed: \_\_\_\_\_  
☒ No

*Attach copy of the charge to this Complaint*

- D. Have you received a Notice of Right-to-Sue Letter from the Missouri Human Rights Commission?

☐ Yes    ☒ No

*If yes, please attach a copy of the letter to this Complaint.*

E. If you are claiming **age discrimination**, check one of the following:

☒ 60 days or more have passed since I filed my charge of age discrimination with the Equal Employment Opportunity Commission.

☐ fewer than 60 days have passed since I filed my charge of age discrimination with the Equal Employment Opportunity Commission

#### IV. Statement of Claim

A. The discriminatory conduct of which I complain in this action includes (*check all that apply*):

- ☐ Failure to hire me.
- ☒ Termination of my employment.
- ☒ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☐ Retaliation.
- ☒ Harassment/Hostile Work Environment
- ☒ Other acts (*specify*): Career blockade

*(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)*

B. It is my best recollection that the alleged discriminatory acts occurred on the following date(s):

08-01-2024 to 01-18-2025

C. I believe that defendant(s) (*check one*):

- ☒ is/are still committing these acts against me.
- ☐ is/are not still committing these acts against me.



D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

☐

race \_\_\_\_\_

☐

color \_\_\_\_\_

☐

gender/sex \_\_\_\_\_

☐

religion \_\_\_\_\_

☐

national origin \_\_\_\_\_

☒

age. My year of birth is 1960. *(Give your year of birth only if you are asserting a claim of age discrimination.)*

☐

disability or perceived disability *(specify disability)*  
\_\_\_\_\_

E. Write a short and plain statement of FACTS that support your claim. Do not make legal arguments. You must include the following information:

- What happened to you?
- What injuries did you suffer?
- Who was involved in what happened to you?
- How were the defendants involved in what happened to you?
- Where did the events you have described take place?
- When did the events you have described take place?

If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

(See the attached Statement)

The list of stated FACTS:

1. Termination of my employment
2. Failure to promote me
3. Unequal terms and conditions of my employment
4. Harassment/Hostile Work Environment

5. Other acts: Career blockade

(See the statement in additional pages)

## V. Relief

As relief from the allegations of discrimination as stated above, Plaintiff prays that the court grant the following relief to Plaintiff: (check any and all that apply)

- ☐ Defendant be directed to employ Plaintiff
- ☐ Defendant be directed to re-employ Plaintiff
- ☐ Defendant be directed to promote Plaintiff
- ☒ Defendant be directed to Cancel all documents of warnings and job termination
- ☒ Monetary damages (please explain): Loss in wages & benefit from the termination
- ☒ As additional relief to make Plaintiff whole, Plaintiff seeks (please specify and explain):

Emotional suffering

## VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 05-18, 2025.

Signature of Plaintiff

Printed Name of Plaintiff

Hengping Xu  
Hengping Xu

#### **IV. Statement of Claim**

05-19-2025

#### **E. Statement of FACTS**

##### **1. Termination of my employment**

I am a U.S. citizen and a senior biologist specializing in plant cytology and biochemistry. Since the 1980s, I have worked at nine world-class institutions and contributed to sixteen research projects across China, the EU, and the U.S. My expertise in Plant Reproduction, a tough yet vital field in life sciences, is well-established.

In pursuit of my dream to lead my own lab, I earned my second Ph.D. from University of Oklahoma in 2021. In 2022, I joined the Libault Lab at University of Nebraska-Lincoln (UNL) to apply the new technology (scrRNA-seq) in studying plant fertilization mechanisms, critical for global food security. My performance was consistently strong, and I intended to remain at UNL for several more years.

In summer 2023, Libault announced the lab's relocation to University of Missouri (MU) within six weeks. At the time, my wife, Hong Fu, was advised to undergo urgent glaucoma surgery. Despite this, I prioritized the lab's transition and persuaded her to delay the surgery. Tragically, this delay resulted in permanent vision loss in her left eye. Even though, I maintained my commitment to the lab, often working extended hours including weekends and holidays.

From summer 2024, Libault's attitude toward me shifted negatively. He issued two disciplinary warnings (addressed below) and, on January 17, 2025, abruptly terminated my employment. I was called to Room 102 of BLSC, then confined for nearly two hours without freedom to move. My belongings were collected by my wife and a coworker under monitoring by Libault and HR officer Cameron Keel.

Around the termination two younger employees were hired (Yaohua Li, summer 2024; Cam Cheu Nguyen, spring 2025) to do my or similar work. MU offices found no violations, but the termination has blocked me from a university position for five years, jeopardizing my family support and scientific career.

##### **2. Failure to promote me**

Through two and half years of hard work I developed three potential first-author papers for publication (Nuclei fixation, DAN-seq, and plant germ-cell identification) -- critical for my promotion and career advancement. However, in summer 2024, Libault halted my further efforts to publish them without justification.

*H. Fu*



In July 2024, I reluctantly accepted a demotion from a Postdoc to Research Specialist with 20% pay cut (reduced from \$25 to \$20 per hour). Meanwhile, Libault revoked my third-year vacation. Though voluntarily giving up prior vacations for lab duties, I had explicitly requested this one to visit my mother overseas.

### **3. Unequal terms and conditions of my employment**

While all lab members received winter and summer vacations, I consistently sacrificed mine for lab maintenance. For example, during the 2024 Olympics, Libault took a family vacation while I worked evenings and weekends to onboard Yaohua, the new employee. Despite this, Libault criticized me via email on August 13, 2024, for unrelated issues.

Resource allocation was also inequitable. My requests for a basic tool (DNA gel tank, ~\$600) were ignored, while Libault's wife, Sandra Thibivillers, was granted advanced equipment (Labchip and Qubit, ~\$40,000) for tasks MU's core facility can perform.

### **4. Harassment/Hostile Work Environment**

Beginning August 2024, Libault became increasingly critical, culminating in two baseless disciplinary warnings: one was for a resolved time-logging issue; the other to punish me for a conflict I didn't start.

- **First Warning (September 10, 2024):** After taking the new position, my pay structure needs recording worked hours. While I initially overlooked exact clock-in/out times, I consistently worked beyond eight hours without overtime requests. Besides, after one hour logged for assisting Yaohua (who lacked a driver's license) was removed from August 13, 2024 upon Libault's question of counting this help as lab work, the same total reported hours (eight) was kept because of my actual work hours (nine). Libault acknowledged this resolution yet issued a warning four weeks later.
- **Second Warning (December 22, 2024):** Stemmed from an incident where Sabbir Hosain stared at me angrily and yelled at me twice during my discussion about lab equipment, I loudly reminded him of workplace respect. Then I went to report the incident to Libault, but he dismissed me. Three days later, I received a warning again, while Sabbir, the instigator, faced no consequences.

### **5. Other acts: Career blockade**

As noted in Statement 1, the termination imposes a five-year employment ban at research institutions, harming my family and derailing my lifelong scientific career.

*H. Au*